

JUDGE PRESKA

08 CRIM

37

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RAPHAEL VARGAS,

Defendant.

INDICTMENT

08 Cr.

DATE FILED:

CHRONICALLY FILED

COUNT ONE

The Grand Jury charges:

1. In or about December 2007, in the Southern District of New York and elsewhere, RAPHAEL VARGAS, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, VARGAS, and others known and unknown, conspired to commit armed robberies of stores that engaged in interstate commerce at locations in the New York City area, including in Manhattan and the Bronx.

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

2. On or about December 9, 2007, in the Southern District of New York, RAPHAEL VARGAS, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, RAPHAEL VARGAS, the defendant, and others known and unknown, committed a robbery at Anthony Mini Market, located at 740 Saint Anns Avenue, Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

3. On or about December 9, 2007, in the Southern District of New York, RAFAEL VARGAS, the defendant, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the offense charged in Count Two of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, which was brandished during the robbery charged in Count Two.

(Title 18, United States Code, Sections
924(c)(1)(A)(ii) and 2.)

COUNT FOUR

The Grand Jury further charges:

4. On or about December 10, 2007, in the Southern District of New York, RAPHAEL VARGAS, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, RAPHAEL VARGAS, the defendant, and others known and unknown, committed a robbery at R. C. Paraiso Grocery, located at 2129 Davidson Avenue, Bronx, New York.


(Title 18, United States Code, Sections 1951 and 2.)

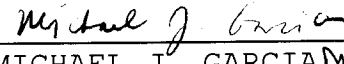

COUNT FIVE

5. On or about December 10, 2007, in the Southern District of New York, RAFAEL VARGAS, the defendant, unlawfully, willfully, and knowingly, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the offense charged in Count Four of this Indictment, did use and carry a firearm, and, in furtherance of

such crime, did possess a firearm, which was discharged during the robbery charged in Count Four.

(Title 18, United States Code, Sections
924(c)(1)(A)(iii), 924(c)(1)(C)(i), and 2.)


FOREPERSON


MICHAEL J. GARCIA 
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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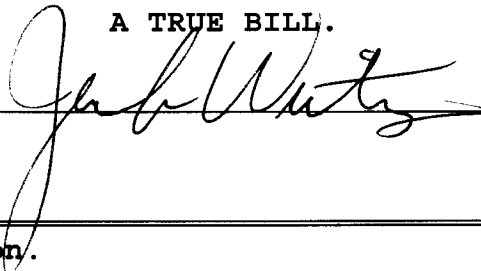
08 Cr. _____

(Title 18, United States Code,
Sections 1951, 924(c), and 2)

MICHAEL J. GARCIA

United States Attorney

A TRUE BILL.



Foreperson.

01/10/08
CJL

Indictment Filed. Case Assigned To USDT
FOX, M.J. PRESKA.